UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,256	08/15/2003	Wei Yuan	P1028 (16221RRUS02)	1538

64458   7590   07/28/2008
Hemingway & Hansen, LLP
1717 Main Street
Comerica Bank Tower- Suite 2500
Dallas, TX 75201

EXAMINER
TOLENTINO, RODERICK

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/642,256
Filing Date: August 15, 2003
Appellant(s): YUAN, WEI

_____

D. Scott Hemingway (36,366)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/27/2008 appealing from the Office action

mailed 11/15/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0212764	Trossen et al.	11-2003
2003/0212809	Wu et al.	11-2003
6,941,477	O'Keefe, Kevin	09-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 13 and 15 – 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Trossen et al. U.S. PG-Publication No. (2003/0212764) and in view

of O'keefe U.S. Patent No. (6,941,477).

As per claim 1, Trossen teaches a firewall on the communication network

gateway for securing communications to and from the network (Trossen, Paragraph

0024), a communication device on the communication network connected to the firewall

by a communication link (Trossen, Paragraph 0007, mobile node) an entity linked to the

firewall by a communication link (Trossen, Paragraph 0007, Content sources), said link

allowing information packets to be sent to a first communication pinhole through the

firewall to the communication device and said entity replacing an address designation in

the address header of one of said information packets with an address designation for

the first communication pinhole so the information packet can be transmitted through

said pinhole to said communication device (Trossen, Paragraph 0024, pinhole is

created in the firewall with use of IP-Level Handoff), but fails to teach a trusted entity.

However, in an analogous art O'keefe teaches a trusted entity (O'Keefe Col. 1 Lines 47

– 55, trusted server).

At the time the invention was made, it would have been obvious to person of

ordinary skill in the art to use O'Keefe's trusted content server with Trossen's relocation

of content sources during IP-level handoffs because it offers the advantage of seeing if

content received can be trusted based on its origins (O'Keefe Col. 2 Lines 30 – 40).

As per claim 2, Trossen teaches the first communication pinhole is established

using signaling messages transmitted through the firewall (Trossen, Paragraph 0024,

Signaling protocols).

As per claim 3, Trossen teaches the signaling messages include a create pinhole

message (Trossen, Paragraph 0024).

As per claim 4, Trossen teaches the signaling messages include a create pinhole

acknowledge message (Trossen, Paragraph 0024, confirmation messages).

As per claim 5, Trossen teaches the trusted entity is a media proxy router

(Trossen, Paragraph 0024, New access router).

As per claim 6, Trossen teaches the trusted entity includes a component with a

software functional switch (Trossen, Paragraph 0024, New access router).

As per claim 7,Trossen teaches the communication network includes an

application server on the communication link between the firewall and the

communication device (Trossen, Paragraph 0007, Content sources).

As per claim 8, Trossen teaches receiving a create pinhole request at an entity linked to the firewall of the communication network and located outside the communication network (Trossen, Paragraph 0024, RSVP protocol), creating a pinhole communication port in the firewall in response to the create pinhole request, receiving a first information packet at the entity to be transmitted across the firewall through said pinhole, replacing an address in the information packet address header information with a communication port address for a pinhole created in the firewall (Trossen, Paragraph 0008, IP-Level Handoff), and forwarding the information packet to a destination address across the firewall using the communication port address for the pinhole communication port (Trossen, Paragraph 0024) but fails to teach a trusted entity. However, in an analogous art O'keefe teaches a trusted entity (O'Keefe Col. 1 Lines 47 – 55, trusted server).

At the time the invention was made, it would have been obvious to person of ordinary skill in the art to use O'Keefe's trusted content server with Trossen's relocation of content sources during IP-level handoffs because it offers the advantage of seeing if content received can be trusted based on its origins (O'Keefe Col. 2 Lines 30 – 40).

As per claim 9, Trossen teaches creating a communication port address routing table association on the trusted entity for designated pinhole ports in the firewall using address data from the create pinhole request (Trossen, Paragraph 0008, IP-Level Handoff).

As per claims 10 and 11, Trossen teaches transmitting said create pinhole request from the end-terminal to the trusted entity (Trossen, Paragraph 0024, RSVP

protocol), and receiving a create media pinhole acknowledgement at the end-terminal

containing the communication port address (Trossen, Paragraph 0024, Confirmation

message).

As per claim 12, Trossen teaches the application server is a session initiation

protocol proxy server (Trossen, Paragraph 0017, SIP protocol usage).

As per claim 13, Trossen teaches the application server is an integrated access

device (Trossen, Paragraph 0007, Content sources are integrated access devices along

with mobile terminals).

As per claim 15, Trossen teaches providing an entity having an input and an

output outside the communication network, linking said trusted entity to the pinhole

communication port (Trossen, Paragraph 0024), transmitting a first signal from the

communication network to the input of the entity, wherein said signal has an address

designation for said pinhole communication port (Trossen, Paragraph 0008, IP-Level

Handoff) providing a routing table on the entity with the address designations for the

pinhole communication port (Trossen, Paragraph 0008, IP-Level Handoff), receiving a

packet transmission at the input of the entity to be sent to a communication device

inside the communication network; placing the address designation for the pinhole

communication port as the address header of the packet transmission and transmitting

the packet transmission from the output of the entity to the pinhole communication port

for transmission onto the communication device (Trossen, Paragraph 0024, pinhole is

created in the firewall with use of IP-Level Handoff) but fails to teach a trusted entity.

However, in an analogous art O'keefe teaches a trusted entity (O'Keefe Col. 1 Lines 47 – 55, trusted server).

At the time the invention was made, it would have been obvious to person of ordinary skill in the art to use O'Keefe's trusted content server with Trossen's relocation of content sources during IP-level handoffs because it offers the advantage of seeing if content received can be trusted based on its origins (O'Keefe Col. 2 Lines 30 – 40).

As per claim 16, Trossen teaches transmitting a second signal from the output of the trusted entity containing the address designation of the communication port, wherein said second signal acknowledges receipt of the first signal (Trossen, Paragraph 0024, Signaling protocols).

As per claim 17, Trossen teaches receiving the second signal at the communication device (Trossen, Paragraph 0024, Signaling protocols).

As per claim 18, Trossen teaches receiving the second signal at a server on the communication network (Trossen, Paragraph 0025, message to content source).

Claims 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trossen et al. U.S. PG-Publication No. (2003/0212764) and O'keefe U.S. Patent No. (6,941,477) and in further view of Wu et al. U.S. PG-Publication No. (2003/0212809).

As per claim 14, Trossen fails to teach the application server is an application proxy server. However, in an analogous art Wu teaches the application server is an application proxy server (Wu, Paragraph 0038).

At the time the invention was made it would have been obvious to use Wu's real time streaming media communication system with Trossen's relocation of content sources during IP-level handoffs because it offers the advantage of allowing clients to make indirect network connections to other network services.

As per claim 19, Trossen fails to teach the transmission packet contains voice data. However, in an analogous art Wu teaches the transmission packet contains voice data (Wu, Paragraph 0036, audio).

At the time the invention was made it would have been obvious to use Wu's real time streaming media communication system with Trossen's relocation of content sources during IP-level handoffs because it offers the advantage of streaming data to remote end points (Wu, Paragraph 0031).

As per claim 20, Trossen fails to teach the transmission packet is a real time transport protocol information packet. However, in an analogous art Wu teaches the transmission packet is a real time transport protocol information packet (Wu, Paragraph 0036, real-time stream).

At the time the invention was made it would have been obvious to use Wu's real time streaming media communication system with Trossen's relocation of content sources during IP-level handoffs because it offers the advantage of streaming data to remote end points (Wu, Paragraph 0031).

(10) Response to Argument

Response to Section A of Appellants arguments:

Appellant argues on pages 5 – 9, of the Appeal brief, that Trossen in view of O'Keefe fail to disclose, teach or even suggest the use of an external trusted entity located outside the communication network, with regards to claim 1. Examiner respectfully disagrees. Examiner would like to note that though the argument is based on an external trusted entity located outside the communication network, the claim does not support the argument made by the applicant. The claim language word for word states "...a trusted entity linked to the firewall...," there is no language that states that the entity has to be external, let alone outside the communication network. The term used in relation to "trusted entity" is "linked," and anyone of ordinary skill in the art would say that any plurality of devices communicating with each other, whether internally, externally, wirelessly etc., are linked together. Trossen does fail to teach a trusted entity, as indicated in the Final Office action mailed on 11/15/2007. However, in an analogous art O'keefe teaches a trusted entity (O'Keefe Col. 1 Lines 47 – 55, trusted server). O'Keefe teaches a trusted content server, the server requires various forms of authentication and authorization prior to access being granted to a user. One of ordinary skill in the art would see that this server is a trusted server and can be considered to be a trusted entity. Trossen teaches the connection between a content source and a router which will send data through a firewall. One of ordinary skill in the art would see that the modification of a content source to a trusted content server is a reasonable modification and would be obvious to combine since it will increase the security of the system.

Further on pages 9 and 10 of the Appeal Brief, Appellant argues that Trossen in

view of O'Keefe, fail to disclose, teach or even suggest "creation of a pinhole request or

creating a pinhole communication port in the firewall in response to the creation of a

pinhole request," with regards to claim 1. Examiner respectfully disagrees. Trossen

teaches a firewall on the communication network gateway for securing communications

to and from the network (Trossen, Paragraph 0024), a communication device on the

communication network connected to the firewall by a communication link (Trossen,

Paragraph 0007, mobile node) an entity linked to the firewall by a communication link

(Trossen, Paragraph 0007, Content sources), said link allowing information packets to

be sent to a first communication pinhole through the firewall to the communication

device and said entity replacing an address designation in the address header of one of

said information packets with an address designation for the first communication pinhole

so the information packet can be transmitted through said pinhole to said

communication device (Trossen, Paragraph 0024, pinhole is created in the firewall with

use of IP-Level Handoff). Examiner notes that O'Keefe was never relied upon to teach

the creation of any pinhole. Trossen was the sole reference relied upon to teach a

pinhole. In paragraph 0024 of Trossen, it clearly states that there is a configuration of a

new IP path which involves the creation of a pinhole in the firewall that resides between

the content source and the router. The configuration of this IP path can be seen by one

of ordinary skill in the art as a new request. In this case a pinhole will not be created

without the configuration of an IP path. It is reasonable to see how when an IP path is

configured and pinhole in the firewall will be created upon the configurations request.

Response to Sections B-D of Appellants arguments:

Responses to appellant's arguments pertaining to these sections, are the same

response used in Section A.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Roderick Tolentino

/R. T./

Examiner, Art Unit 2134

Conferees:

Kambiz Zand

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2134

Nasser Moazzami

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136